

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/28/2025</u>

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LEIDER ENTERPRISES INC.,

Plaintiff,

-v-

FEDERAL EXPRESS CORP. et al,

Defendants.
----- X

25-cv-02143 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On May 8, 2025, the Court issued an order to show cause by May 14, 2025, why the Court should not permit the filing of the Amended Complaint and dismiss the pending motions to dismiss as moot. Dkt. No. 33. No counsel responded and, at the initial pretrial conference held today, counsel for all Defendants confirmed that they had no objection to the filing of the Amended Complaint as the operative complaint or to the denial of their motions to dismiss as moot without prejudice to moving against the Amended Complaint.

Accordingly, the Amended Complaint at Dkt. No. 44 shall be considered the operative complaint. The motions to dismiss the original state court Summons with Notice filed by Plaintiff Leider Enterprises Inc. ("Plaintiff), *see* Dkt. No. 5-1, from Defendants Federal Express Corp. and Norfolk Southern, *see* Dkt. Nos. 10, 19, are denied as moot in light of the filing of Plaintiff's Amended Complaint at Dkt. No. 44. Plaintiff has until June 6, 2025 to file a Second Amended Complaint. Plaintiff is put on notice, consistent with the Court's cautions at the initial pretrial conference held on May 28, 2025, and in light of the notice provided by Defendants' motions to dismiss the Summons with Notice, that the Court is unlikely to permit the filing of a

Third Amended Complaint.

The Clerk of Court is respectfully directed to close Dkt. Nos. 10, 19.

SO ORDERED.

Dated: May 28, 2025
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge